

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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YING YING DAI and CAROL LUK, :  
Plaintiffs, :  
: **MEMORANDUM DECISION**  
- against - : **AND ORDER**  
: 18-CV-05170 (AMD) (RLM)  
ABNS NY INC. d/b/a CARVEL, SHK LI INC. :  
d/b/a CARVEL and KA SHEK TAM, :  
Defendants. :  
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**ANN M. DONNELLY**, United States District Judge:

The plaintiffs brought this action against their employers, alleging violations of the Fair Labor Standards Act (“FLSA”) and New York Labor Law (“NYLL”). (ECF No. 1.) I held a two day bench trial on February 20 and 21, 2020. After the trial, I determined that the plaintiffs did not demonstrate that the defendants violated the FLSA, but found in their favor on their minimum wage, overtime, spread of hours and wage statement claims under the NYLL. (ECF No. 69.) The Clerk of Court entered judgment in favor of the plaintiffs on September 30, 2020. (ECF No. 70.)

On October 21, 2020, the plaintiffs moved for attorneys’ fees and costs. (ECF No. 71.) I referred the motion to Magistrate Judge Roanne L. Mann for a Report and Recommendation (“R&R”).

Counsel for the defendants subsequently moved to withdraw as counsel. (ECF Nos. 75, 76.) Judge Mann held a hearing on the motion to withdraw and directed defendant Tam, on behalf of all defendants, to show cause why counsel’s motion to withdraw should not be granted and why the plaintiffs’ fees motion should not be deemed unopposed. (ECF No. 79.) In a

written submission dated December 3, 2020, defendant Tam did not oppose the motion to withdraw, but opposed the motion for fees. (ECF No. 80.) The plaintiffs subsequently filed a motion to supplement their fee application on January 7, 2021. (ECF No. 81.)

On February 9, 2021, Judge Mann issued a thorough and well-reasoned R&R, recommending that I grant the plaintiffs' fee application in part, and award the plaintiffs \$34,290.00 in attorneys' fees and \$3,372.44 in costs. (ECF No. 82.) No party has filed any objections to Judge Mann's R&R, and the time to do so has passed.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." *Jarvis v. N. Am. Globex Fund, L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (quoting *Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003)) (internal quotation marks omitted).

I have carefully reviewed Judge Mann's R&R and find no error. Accordingly, I adopt the R&R in its entirety. I award the plaintiffs \$34,290.00 in attorneys' fees and \$3,372.44 in costs. The Clerk of Court is respectfully directed to enter judgment accordingly.

**SO ORDERED.**

s/Ann M. Donnelly  
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ANN M. DONNELLY  
United States District Judge

Dated: Brooklyn, New York  
March 3, 2021